

By Mr. DAINES (for himself, Mr. SULLIVAN, and Ms. MURKOWSKI):

S. 295. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SULLIVAN (for himself, Mr. DAINES, and Ms. MURKOWSKI):

S. 296. A bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mrs. McCASKILL):

S. 297. A bill to increase competition in the pharmaceutical industry; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BARRASSO:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. ISAKSON (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. BROWN, Mrs. CAPITO, Mr. CORNYN, and Mr. WYDEN):

S. Res. 43. A resolution recognizing January 2017 as National Mentoring Month; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 54

At the request of Mr. BOOKER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 54, a bill to prohibit the creation of an immigration-related registry program that classifies people on the basis of religion, race, age, gender, ethnicity, national origin, nationality, or citizenship.

S. 56

At the request of Mr. SULLIVAN, the names of the Senator from Kentucky (Mr. PAUL), the Senator from Kentucky (Mr. McCONNELL), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. KENNEDY), the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. ISAKSON), the Senator from Wisconsin (Mr. JOHNSON), the Senator from South Dakota (Mr. ROUNDS), the Senator from Indiana (Mr. YOUNG), the Senator from Oklahoma (Mr. INHOFE), the Senator from Montana (Mr. DAINES), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. PERDUE), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 56, a bill to require each agency to repeal or amend 2 or more rules before issuing or amending a rule.

S. 58

At the request of Mr. HELLER, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from Ne-

vada (Ms. CORTEZ MASTO) were added as cosponsors of S. 58, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

S. 94

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 59, a bill to provide that silencers be treated the same as long guns.

S. 94

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. 94, a bill to impose sanctions in response to cyber intrusions by the Government of the Russian Federation and other aggressive activities of the Russian Federation, and for other purposes.

S. 109

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 109, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 182

At the request of Ms. KLOBUCHAR, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 182, a bill to provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

S. 208

At the request of Mr. KING, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 208, a bill to amend the Internal Revenue Code of 1986 to make the Child and Dependent Care Tax Credit fully refundable, and for other purposes.

S. 212

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 212, a bill to provide for the development of a United States strategy for greater human space exploration, and for other purposes.

S. 224

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 224, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 241

At the request of Mrs. ERNST, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 241, a bill to prohibit Federal funding of Planned Parenthood Federation of America.

S. 244

At the request of Mr. LEE, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of

S. 244, a bill to repeal the wage requirement of the Davis-Bacon Act.

S. 251

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 251, a bill to repeal the Independent Payment Advisory Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 255

At the request of Mr. SCHATZ, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 255, a bill to increase the rates of pay under the General Schedule and other statutory pay systems and for prevailing rate employees by 3.2 percent, and for other purposes.

S. 264

At the request of Mr. LANKFORD, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 264, a bill to amend the Internal Revenue Code of 1986 to allow charitable organizations to make statements relating to political campaigns if such statements are made in ordinary course of carrying out its tax exempt purpose.

S. 272

At the request of Mr. SCHATZ, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 272, a bill to enhance the security operations of the Transportation Security Administration and the stability of the transportation security workforce by applying a unified personnel system under title 5, United States Code, to employees of the Transportation Security Administration who are responsible for screening passengers and property, and for other purposes.

S. 274

At the request of Mrs. FEINSTEIN, the names of the Senator from Montana (Mr. TESTER), the Senator from Indiana (Mr. DONNELLY), the Senator from Florida (Mr. NELSON) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of S. 274, a bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

S.J. RES. 1

At the request of Mr. BOOZMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S.J. Res. 1, a joint resolution approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

S.J. RES. 5

At the request of Mr. CARDIN, the names of the Senator from Hawaii (Ms. HIRONO) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S.J. Res. 5, a joint resolution removing the deadline for the

ratification of the equal rights amendment.

S.J. RES. 9

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S.J. Res. 9, a joint resolution providing for congressional disapproval under chapter 8, of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to the disclosure of payments by resource extraction issuers.

S.J. RES. 11

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S.J. Res. 11, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to "Waste Prevention, Production Subject to Royalties, and Resource Conservation".

S.J. RES. 13

At the request of Mrs. ERNST, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S.J. Res. 13, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients.

S.J. RES. 14

At the request of Mr. GRASSLEY, the names of the Senator from Georgia (Mr. PERDUE), the Senator from Montana (Mr. DAINES) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S.J. Res. 14, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

S.J. RES. 15

At the request of Ms. MURKOWSKI, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S.J. Res. 15, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Director of the Bureau of Land Management relating to resource management planning.

S.J. RES. 16

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S.J. Res. 16, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

S.J. RES. 19

At the request of Mr. PERDUE, the name of the Senator from Wyoming

(Mr. ENZI) was added as a cosponsor of S.J. Res. 19, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to prepaid accounts under the Electronic Fund Transfer Act and the Truth in Lending Act.

S. CON. RES. 6

At the request of Mr. BARRASSO, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FLAKE (for himself and Mr. McCAIN):

S. 276. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

Mr. FLAKE. Mr. President, one of the most important elements of the rule of law is the promise of swift access to the courts, but that promise has been broken in my home State of Arizona. That is because Arizona falls under the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit, a circuit that is both oversized and overworked.

With the jurisdiction encompassing 13 districts spread across nine States and 2 U.S. territories, the Ninth Circuit covers 1 in 5 Americans. It hears roughly 12,000 appeals each year. The next busiest circuit doesn't even hear 9,000, and for the thousands of cases under its consideration, the average turnaround time exceeds 15 months.

Now, if excessive delays weren't bad enough, it turns out the Ninth Circuit is overturned by the Supreme Court 77 percent of the time when the Supreme Court grants cert—77 percent of the time. That is obviously higher than any other court. So not only is the court excruciatingly slow, but in many instances it is simply wrong.

The court, itself, is unusually large. It has 29 authorized judgeships. That is 12 more than the next largest circuit.

The Ninth Circuit is so big that it can't even rehear cases as a whole body, like every other appeals court does. Instead, cases are reheard with limited en banc; these are panels of 11 judges each. That means that only one-third of its judges are deciding law for the entire court—only one-third.

Of the States suffering under the weight of the Ninth Circuit's crushing backlog, Arizona shoulders a uniquely heavy burden. Per capita, Arizona has the busiest Federal docket in the circuit. That puts Arizonans at the back of an already long line just to get their day in court.

As if the deluge of cases continues to fill the Ninth Circuit's docket, the line keeps getting longer and longer if you happen to live in Arizona.

With problems like these, we are left to ask: Is the Ninth Circuit simply too big to succeed? If you are an Arizonan, the answer is unquestionably yes.

Arizonans deserve better, and that is why today I am introducing a bill to break up the Ninth Circuit.

With the support of my colleague from Arizona, JOHN McCAIN, and the support of Gov. Doug Ducey, I have introduced the Judicial Administration and Improvement Act. This bill would create a new Twelfth Circuit by moving Arizona, as well as Alaska, Idaho, Montana, Nevada, and Washington, out of the Ninth Circuit. Doing so would create two smaller appellate courts where one dysfunctional court stood, all the while establishing stronger local, regional, and cultural ties. This would help alleviate the Ninth Circuit's enormous caseload and ensure a more timely and accurate judicial process for both circuits.

Now, importantly, the bill would also free the new circuit from the Ninth Circuit's precedent. That means States like Arizona would be able to chart their own legal course, consistent with their local needs and traditions.

A fair and functioning judiciary is one of the pillars of our democracy. Geography shouldn't limit a citizen's access to the courts.

The Judicial Administration and Improvement Act will right this wrong by restoring faith in our judicial system and securing the access to Justice that Americans deserve.

By Mr. DAINES (for himself and Mr. WARNER):

S. 278. A bill to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAINES. Mr. President, in recent years we have seen the inability of the Federal Government to quickly adapt to changing technology and emerging threats. In June of 2015 the Office of Personnel Management, OPM, was infiltrated with a major cyber breach, affecting more than 22 million current and former Federal employees, including myself. In January of 2016, another nearly half a million Americans had their social security numbers stolen when the Internal Revenue Service was hacked.

I spent 28 years in the private sector, 12 years with a global cloud computing company. We faced cyber threats daily, and our customers expected security of their data. We delivered, not once was our data compromised. Until I came to the Federal Government and received the letters from OPM, my data had been secured too.

I know firsthand that industry has the talent and incentive to keep their information systems secure. The Federal Government should continue to innovate and utilize industries' expertise and learn from their best practices.

That is why I am introducing the Support for Rapid Innovation Act. This